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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of

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Advanced Television Systems  
and Their Impact Upon the  
Existing Television Broadcast  
Service

) MM Docket No. 87-268  
)  
)  
)  
)

To: The Commission

REPLY COMMENTS OF ATHENS BROADCASTING COMPANY, INC.

Athens Broadcasting Company, Inc. ("Athens"), by its attorneys, pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC or "Commission") hereby submits its Reply Comments in response to the Sixth Further Notice of Proposed Rule Making ("Notice") adopted in the above-referenced proceeding.<sup>1</sup> Athens is the licensee of low power television ("LPTV") Station WTZT-LP, Athens, Alabama which operates on Channel 28. Station WTZT-LP faces displacement of its channel pursuant to the FCC's proposed digital allotment table. If Athens is unable to identify and obtain a suitable alternative channel, it will no longer be able to provide its valuable local programming service to the public.

WTZT-LP provides an important service through its programming directed to the local Athens area. Elimination of LPTV stations through the transition to digital television technology therefore would be contrary to the Commission's goals of serving the public interest and community needs through local programming.

<sup>1</sup> Sixth Further Notice of Proposed Rule Making, MM Docket No. 87-268, 11 FCC Rcd 10968 (1996).

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The importance of local programming sometimes referred to as “localism” in broadcasting is well-established. Section 307(b) of the Communications Act provides that “the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.” 47 U.S.C. § 307 (1996). The Commission has consistently adhered to a policy of localism, stating that:

localism has been, and continues to be, an important element of service in the public interest . . . What is important is that broadcasters present programming relevant to public issues both of the community at large or, in the appropriate circumstances, relevant primarily to the more specialized interests of its own listenership.<sup>2</sup>

It would be inconsistent with the exercise of good faith judgment for a broadcaster to be “walled off” from its community. Rather, broadcasters should maintain contact with their community on a personal basis . . .<sup>3</sup>

LPTV stations such as WTZT-LP provide valuable local programming. Attached hereto is the Declaration of William Dunnivant, President of Athens, describing representative local programming provided by Station WTZT-LP. Athens requests that the Commission acknowledge the importance of such local programming by preserving LPTV service to the fullest extent possible.

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<sup>2</sup> Statement of Policy Re: Commission En Banc Programming Inquiry, 20 RR 1901 at ¶ 66 (1960). Also, for example, consider the importance of localism reflected in the 1946 Blue Book (FCC Public Service Responsibility of Broadcast Licensees), Government Printing Office, 1946).

<sup>3</sup> Id. at ¶ 69.

**WHEREFORE, THE PREMISES CONSIDERED,** Athens Broadcasting Company,  
Inc. urges the Commission to adopt rules and policies consistent with the views expressed herein.

Respectfully Submitted,

**ATHENS BROADCASTING COMPANY, INC.**

By: 

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Its Attorneys

Dated: January 24, 1997

## DECLARATION OF WILLIAM DUNNAVANT

I, William E. Dunnivant, hereby declare that the following is true and correct to the best of my knowledge:

1. I am President of Athens Broadcasting Company, Inc., licensee of low power television Station WTZT-LP, Athens, Alabama.

2. The following is representative of our regularly scheduled local programming presented on WTZT-LP over the past two years:

- \* "Ace & TJ Show," a local variety show broadcast from 5:30 - 9:00 a.m. Monday through Friday;

- \* "Dave Stone Show," a local talk show broadcast from 4:00 - 6:00 p.m. Monday through Friday;

- \* "Monday Night Bingo," a local bingo show broadcast from 6:00 - 9:00 p.m. Monday through Friday;

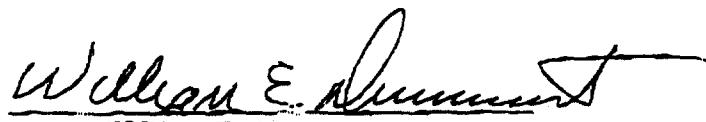
- \* "High School Basketball," broadcast Wednesdays and Saturdays from 7:00 - 9:00 p.m. when there are scheduled games at local high schools;

- \* "High School Football," broadcast Fridays from 10:00 p.m. - midnight when there are scheduled games at local high schools; and

- \* "Possum Tracks," a local video show broadcast from 1:00 - 2:00 p.m. Monday through Friday.

3. In addition, we have produced over 15 special programs during the past year dealing with, among others, the following charitable events: Mission Trip to Mexico, Hospice Chili Cookoff, The Athens Christmas Parade, and CASA volleyball.

Executed this 24th day of January, 1997.

  
William E. Dunnivant